THE HONOURABLE SRI JUSTICE RAMESH RANGANATHAN

W.P. NO. 18733 of 2002

DATED: 08-08-2007

Between:-

Aitha Ramesh and another.

…PETITIONERS

And

The Gram Panchayat, Jammikunta, Karimnagar District, represented by its Sarpanch and another..

…RESPONDENTS

THE HONOURABLE SRI JUSTICE RAMESH RANGANATHAN

W.P. NO. 18733 of 2002

O R D E R

Questioning the action of the respondents in issuing notice dated 02-09-2002 calling upon the petitioners to produce succession certificate from the competent Court before granting building permission and for consequential direction to the respondents to grant building permission to construct first floor on the existing ground floor, the present writ petition is filed.

This Court, in W.P.M.P. No. 23539 of 2002 dated 07-10-2002, passed the following order.

> "Prima facie it is evident that the petitioner has constructed the ground floor in premises bearing No. 1-49-6/A with permission. His application for permission for construction of first floor is rejected on the ground that he has not filed succession certificate from the court or the title deeds. Such an objection on the face of it is untenable. Inasmuch the objection is only as regards production of title deeds, the petitioner is permitted to proceed with construction strictly in accordance with the plan submitted and the relevant bye-laws duly paying the requisite fees. It shall be open to the respondents to reconsider the application of the petitioner without reference to the title deeds."

Miss P. Aruna, learned counsel for the petitioners, would submit that pursuant to the interim order of this Court the petitioners had

completed the construction of the first floor of the building.

No counter affidavit is filed by the respondents rebutting the several allegations made by the petitioners in the affidavit filed in support of the writ petition.

Ends of justice would be met if the interim orders passed by this Court are made the final orders in the writ petition, leaving it open to the respondents, if they so choose, to take action against the petitioners for violation of any statutory rules or bye-laws with regards construction of the first floor.

The writ petition is, accordingly, disposed of. No costs.

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RAMESH RANGANATHANA, J

Dated: 08-08-2007
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